

## Memorandum

**TO: HONORABLE MAYOR AND  
CITY COUNCIL**

**FROM: Stephen M. Haase**

**SUBJECT: EVERGREEN COMMUNITY  
COLLEGE SURPLUS PROPERTY**

**DATE July 27, 2004**

Approved

Date

7/28/04

**COUNCIL DISTRICT: 8**

### **RECOMMENDATION**

Planning Staff recommends that the City Council direct the City Manager to notify the San Jose/Evergreen Community College District on or before August 9, 2004 of the City's interest in the acquisition of an approximately 2.0-acre portion of the 27.1-acre surplus Evergreen Community College

### **BACKGROUND**

On June 10, 2004, the Department of Planning, Building and Code Enforcement received notice from the San Jose/Evergreen Community College District of its intent to dispose of one of the District's surplus properties (see attached). The 27.1-acre property is located adjacent to the Evergreen Community College Campus, surrounding the northeast corner of San Felipe and Yerba Buena Roads (Assessor's Parcel Number 660-21-022, and portions of 660-21-016 and 023). A map depicting the location of the property is included with the attached notice from the District.

The property is zoned R-1-5 Residential. The General Plan Land Use/Transportation Diagram designation for the site is Public/Quasi-Public. The property is presently vacant.

### **ANALYSIS**

Under State law, any state or local agency disposing of surplus land is required to send a written offer to sell or lease the property to various public and private agencies and interest groups involved in the provision of affordable housing, parks, recreation and open space, school facilities construction, enterprise zone development and infill and transit village development.

Planning has checked with the Housing, Public Works, Parks, Recreation and Neighborhood Services, Fire, Police, Library, and General Services Departments and the City does not presently have an interest or need for the property for use under any of the above-referenced categories. However, the Library Department has indicated preliminary interest in acquiring a 2.0-acre portion of the site for a potential new branch library in this area. State law does not preclude Evergreen Community College district from disposing of property for other purposes if no interest in low or moderate income housing or park purposes is received.

The future use of the Evergreen Community College property is being evaluated as a part of the community-based Evergreen Smart Growth Strategy process, currently underway. The Evergreen Smart Growth Strategy has performed outreach and received community comments regarding development opportunities on several key sites, including a portion of the Evergreen Community College site, as well as appropriate transportation and community amenities to enhance quality of life in the community. The Evergreen Smart Growth Strategy is expected to be brought forward for consideration in mid-2005.

The notice from the College District states that the District intends to dispose of the land "by long term lease for fair market value." The City would not be interested in leasing the property if it ultimately appeared that the primary interest for development of the site would be for a branch library. However, Staff recommends the City Council inform the San Jose/Evergreen Community College District that the City has a preliminary interest in the acquisition of a 2.0-acre portion of this surplus property in case the District decides it would like to offer the site for sale rather than lease. Further study by the City would be needed to determine the specific proposed uses and precise amount of acreage needed for potential acquisition if the City were able to purchase the property from the Community College District.

The District has requested that the City express its potential interest in acquisition of the site within 60 days of receipt of the District's notice (see attached letter from the school district). The City received this request on June 10, 2004 and would therefore need to respond to the District on or before August 9, 2004. Staff recommends that the City Manager be directed to respond to the District on or before August 9, 2004 regarding the City's preliminary interest in the purchase, not leasing, of a portion of the site as a potential future branch library site.

### **COORDINATION**

This report was prepared in coordination with the Housing, Public Works, Parks, Recreation and Neighborhood Services, Fire, Police, Library, and General Services Departments and the City Attorney's Office.

### **PUBLIC OUTREACH**

Public outreach is not applicable for this item. Public outreach and comment may be forthcoming if it appears that the District is willing to negotiate with the City for the purchase of a portion of the site.

HONORABLE MAYOR AND CITY COUNCIL  
JULY 27, 2004  
**Subject: Evergreen Community College Surplus Property**  
Page 2

**CEQA**

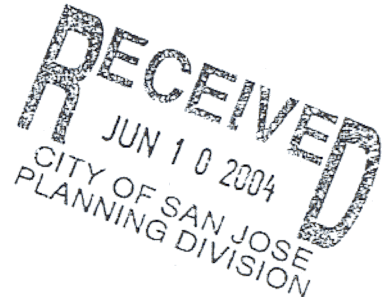
Not a project.

A handwritten signature in black ink, appearing to read "S. M. Haase".

**STEPHEN M. HAASE, DIRECTOR**  
**Planning, Building and Code Enforcement**

Attachment

June 7, 2004



**CERTIFIED MAIL RETURN RECEIPT REQUESTED**

To All Parties Indicated on  
The Attached Schedule 1

**NOTICE OF INTENT TO DISPOSE OF SURPLUS SCHOOL DISTRICT PROPERTY**

You are hereby notified, in accordance with Government Code Section 54222 and Education Code Section 81363.5, that the San Jose/Evergreen Community College District intends to dispose of the real property described in Exhibit A which is attached hereto and incorporated herein by reference, by long term ground lease for fair market value.

The subject property is located in the San Jose/Evergreen Community College District in the City of San Jose, Santa Clara County, California, and the property is offered to you under the legal priorities and for the purposes set forth in Government Code Sections 54220 to 54232, inclusive, and Education Code Section 81363.5.

For the purposes of acquiring said property pursuant to Government Code Section 54220 to 54232, inclusive, you are required to notify the selling agency (the District) of your intention to acquire within sixty (60) days from the receipt of this notice.

For purposes of acquiring said property pursuant to Education Code Section 81363.5, you are required to notify the selling agency (the District) of your intention to acquire within sixty (60) days after the third publication of the notice which the District will publish pursuant to Education Code Section 81363.5.

Please give such notice in writing and address to:

Vice-Chancellor  
San Jose/Evergreen Community College District  
4750 San Felipe Road  
San Jose, CA 95135-1599

If you do not intend to acquire the subject property, please notify the undersigned at the above address, in writing, as soon as such determination is made rather than waiting for the full sixty (60) days, or other legal period, to expire. Enclosed is a copy of the Governing Board's Notice of Intention to Dispose of Surplus School District Property.

Sincerely,

SAN JOSE/EVERGREEN COMMUNITY COLLEGE  
DISTRICT

By:

  
JAMES J. ELLER,  
Jose/Evergreen

**RESOLUTION TO DECLARE AS SURPLUS,  
SCHOOL PROPERTY NOT NEEDED FOR SCHOOL PURPOSES**

Pursuant to Section 81360, etc. seq., of the Education Code of the State of California,

WHEREAS, San Jose/Evergreen Community College District, State of California, hereinafter called "District," is owner of the following described parcel of real property, situated in said District and in said County, to wit:

See Exhibit "A"

WHEREAS, this Governing Board has determined that said parcel of real property is not now and will not be needed for school classroom buildings or for any other school purposes.

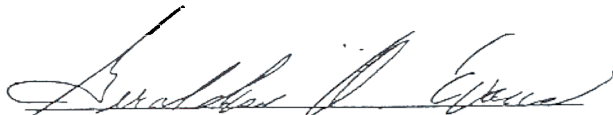
NOW, THEREFORE, IT IS HEREBY RESOLVED that this Governing Board of San Jose/Evergreen Community College District does hereby declare the above-described parcel of real property as surplus.

BE IT FURTHER RESOLVED THAT THE GOVERNING board authorizes the Chancellor or her designee to give notice of the availability of the property in accordance with Government Code Section 54222.

PASSES AND ADOPTED by the Governing Board of San Jose/Evergreen Community College District this 9 day of March, 2004 by the following vote:

AYES: 7 Fuentes, Hobbs, Lind, Pyle, Tanaka, Tovar, Wright  
NOES: -0+  
ABSENT: -0+  
ADVISORY: AYES: 2 Poole, Vergara

I Geraldine Evans, Secretary of the Governing Board of San Jose/Evergreen Community College District of Santa Clara County, California do hereby certify the foregoing is a full, true and correct copy of a resolution adopted by said Board at a regular meeting thereof held at its regular place of meeting at the time and by the vote stated above, which resolution is on file on the office of said Board.



Geraldine Evans, Secretary  
San Jose/Evergreen Community College District  
Governing Board

**SITE DESCRIPTION**

The subject site is located at the northeast quadrant of San Felipe and Yerba Buena Roads. It contains about 27.1 acres or 1,180,476 square feet. The Santa Clara County Assessor's Office identifies the subject as APN 660-21-022 and portions of 660-21-016 and 660-21-023. A Plat Map is provided on the following page for reference purposes.

